

Chapter 21A.XX – SHORELINE MANAGEMENT

SECTION 1. K.C.C. 25.04.010, as amended by this ordinance, is hereby recodified as a new section in the new chapter established in section X of this ordinance.

SECTION 2. Ordinance 3688, Section 101, and K.C.C. 25.04.010 are each hereby amended to read as follows:

Purpose. The purpose of this ~~((title))~~ chapter is to implement RCW chapter 90.58, the Shoreline Management Act of 1971, and to provide for the regulation of development ~~((which))~~ that impacts those areas of King County under the jurisdiction of the Shoreline Management Act consistent with ~~((the policies of Section 2 of that act,))~~ Part III, chapter WAC 173-((46))26 and the goals~~((;))~~ and policies ~~((and objectives))~~ of the King County shoreline ~~((management))~~ master program.

This ~~((title))~~ chapter and K.C.C. Title 20 contain ~~((s))~~ the regulations of King County's shoreline ~~((management))~~ master program and the procedures to implement those regulations. These regulations and procedures are consistent with and implement the goals~~((;))~~ and policies ~~((and objectives))~~ of King County's shoreline ~~((management))~~ master ~~((program))~~ plan and the King County Comprehensive Plan, which are contained in ~~((a))~~ separate documents and adopted by ordinance.

NEW SECTION. SECTION 3. There is hereby added a new section in the new chapter established in section X of this ordinance to read as follows:

King County shoreline master program. The King County shoreline master program consists of the following elements:

A. The King County shoreline master plan contained in chapter five of the King County Comprehensive Plan containing the shoreline goals and policies;

- 23 B. The shoreline regulations contained in this chapter and K.C.C. Title 20;
24 C. The critical area regulations contained in K.C.C. chapter 21A.24;
25 D. A map folio adopted as appendix X of the King County Comprehensive Plan; and
26 E. The following technical appendices adopted as appendix X of the King County
27 Comprehensive Plan:
- 28 1. Appendix A: Shoreline Restoration Plan, which summarizes the methods and results
29 of King County's shoreline analysis with respect to shoreline restoration planning;
 - 30 2. Appendix B: Shoreline Public Access Plan, which includes an inventory of existing
31 formal and informal shoreline public access opportunities and King County's priorities for public
32 access;
 - 33 3. Appendix C: Cumulative Impacts Analysis, which provides a mechanism for
34 examining the success of meeting the requirement for no net loss of ecological functions;
 - 35 4. Appendix D: Shoreline Master program Checklist and Public Involvement Process,
36 which show how King County meets the procedural requirements for updating the Shoreline
37 Master Program;
 - 38 5. Appendix E: Shoreline Technical Appendix, which includes data and analytic methods
39 used to develop King County's shoreline inventory and shoreline characterization.

40 SECTION 4. K.C.C. 25.04.030, as amended by this ordinance, is hereby recodified as a
41 new section in the new chapter established in section X of this ordinance.

42 SECTION 5. Ordinance 3688, Section 103, and K.C.C. 25.04.030 are each hereby
43 amended to read as follows:

44 **Scope.** A. No development shall be undertaken by any person ~~((on))~~ within the
45 ~~((shorelines of the state))~~ shoreline jurisdiction unless ~~((such))~~ the development is consistent with

the provisions of this ~~((title))~~chapter and the goals~~((;))~~ and policies ~~((and objectives))~~ of the King County shoreline master program.

~~((B. Development prohibited by this title but otherwise permitted by King County land use controls is prohibited only within the shorelines of the state.))~~

~~((C))~~ B. Development proposed on property adjacent to water bodies or wetlands under the shoreline jurisdiction ~~((of the Shoreline Management Act))~~ shall be evaluated in terms of the goals~~((,))~~ and policies ~~((and objectives))~~ of the King County shoreline master program.

SECTION 6. K.C.C. 25.08.010, as amended by this ordinance, is hereby recodified as a new section in the new chapter established in section X of this ordinance.

SECTION 7. Ordinance 3688 Ch. 2 (part), as amended, and K.C.C. 25.08.010 are each hereby amended to read as follows:

Applicability of RCW and WAC definitions. Unless otherwise defined in K.C.C. chapter 21A.06 or this chapter, the definitions contained in ~~((title 21A (the zoning code)))~~ RCW ~~((Chapter))~~ chapter 90.58 and chapter WAC 173-~~((14))~~26 shall apply.

SECTION 8. K.C.C. 25.04.040, as amended by this ordinance, is hereby recodified as a new section in the new chapter established in section X of this ordinance.

SECTION 9. Ordinance 3688, Section 104, and K.C.C. 25.04.040 are each hereby amended to read as follows:

Liberal construction. This ~~((title))~~ chapter is exempted from the rule of strict construction and shall be liberally construed to give full effect to the objectives and purposes for which it was enacted.

SECTION 10. K.C.C. 25.08.160, as amended by this ordinance, is hereby recodified as a new section in K.C.C. chapter 21A.06.

SECTION 11. Ordinance 3688, Section 215, and K.C.C. 25.08.160 are each hereby amended to read as follows:

Development. ~~(("))Development(("means))~~; for purposes of this chapter, any development as defined in RCW Chapter 90.58 as now or hereafter amended.

SECTION 12. K.C.C. 25.04.050, as amended by this ordinance, is hereby recodified as a new section in the new chapter established in section X of this ordinance.

SECTION 13. Ordinance 3688, Section 105, as amended, and K.C.C. 25.04.050 are each hereby amended to read as follows:

Relationship to other King County ~~((programs))~~ permits and approvals. ~~((A. When provisions of this chapter conflict with the sensitive areas code, K.C.C. Chapter 21A.54, that which provides more protection to the sensitive area shall apply.~~

~~B.)) King County shall ((issue no permit prior to approval pursuant to this title and shall take no action contrary to)) assure the goals, policies, ~~((objectives))~~ and regulations of the King County shoreline ~~((management))~~ master program have been met prior to issuing any of the following permits or approvals on land within the shoreline jurisdiction ~~((when property under the jurisdiction of the Shoreline Management Act is involved in a request for a decision in any of the following programs))~~:~~

1. Building permit;
2. Right-of-way ~~((construction))~~ use permit;
3. Short subdivision approval;
4. Clearing and ~~((G))~~grading permit;
5. ~~((Site plan approval))~~ Boundary line adjustment;
6. ~~((Access permit))~~ Binding site plan;

7. ~~((Trail permit))~~ Removal of a special district overlay;
8. ~~((State flood control zone permit))~~ Critical area alteration exception;
9. Zoning variance;
10. Conditional use permit;
11. Comprehensive plan amendment or addition;
12. Zone reclassification;
13. Special use permit;
14. Urban planned development approval;
15. Subdivision approval.
- ~~((16. Mobile home park permit;~~
- ~~17. Mobile home permit; and~~
- ~~18. Recreational vehicle park permit;~~
- ~~19. Commercial site development permit.))~~

SECTION 14. K.C.C. 25.12.030, as amended by this ordinance, is hereby recodified as a new section in the new chapter established in section X of this ordinance.

SECTION 15. Ordinance 3688, Section 303, and K.C.C. 25.12.030 are each hereby amended to read as follows:

~~((Limits of environment designations.))~~ Shoreline jurisdiction ~~((Each))~~ The King County shoreline ~~((environment designation))~~ jurisdiction shall consist of the following:

A. The entire water body waterward from the ordinary high water mark from its centerline or point, including all water below the surface. The shoreline jurisdiction includes:

1. All marine shorelines;
2. Lakes greater than 20 acres; and

115 3. Rivers and streams with a minimum of twenty cubic feet per second mean annual
116 flow.

117 B. The shorelands that extend landward for two hundred feet from the ordinary high
118 water mark including:

119 1. ((a))Associated wetlands;

120 2. River deltas; and

121 3. Zero-rise floodways~~((, provided, in those cases where a floodplain or other severe~~
122 ~~biophysical limitation to development does not cover the entire associated wetland, one~~
123 ~~environment designation may be placed on the floodplain portion of the wetland or the portion of~~
124 ~~the wetland with severe biophysical limitations and another on the remaining portion of the~~
125 ~~wetland;~~

126 C. ~~In shoreline areas where severe biophysical constraints such as flood plains, steep~~
127 ~~slopes, slide hazard areas and/or marshes, bogs or swamps do not cover the entire associated~~
128 ~~wetland, proposed development in the remaining area may be permitted consistent with the~~
129 ~~character of the surrounding land use, the physical capabilities of the associated wetland and~~
130 ~~applicable county land use plans and policies)).~~

131 C. The King County shoreline jurisdiction is shown on the map adopted as appendix XX
132 of the King County Comprehensive Plan.

133 SECTION 16. K.C.C. 25.12.010, as amended by this ordinance, is hereby recodified as a
134 new section in the new chapter established in section X of this ordinance.

135 SECTION 17. Ordinance 3688, Section 301, and K.C.C. 25.12.010 are each hereby
136 amended to read as follows:

Purpose of the shoreline environment designations. The purpose of ~~((these))~~ the shoreline environment designations is to differentiate between areas ~~((whose geographical, hydrological, topographical or other features))~~ where existing land use patterns, biological and physical character, and goals and aspirations of King County imply differing objectives regarding the use and future development ~~((of the shorelines of the state))~~ within the shoreline jurisdiction.

Each shoreline environment designation represents a particular emphasis in the type of uses and the extent of development ~~((which))~~ that should occur within it. The shoreline environment~~((al))~~ designation system is designed to encourage uses in each shoreline environment ~~((which))~~ that will enhance or are compatible with the character of the environment while at the same time ~~((requiring))~~ require reasonable standards and restrictions on development so that the character of the environment is not adversely impacted.

SECTION 18. K.C.C. 25.12.020, as amended by this ordinance, is hereby recodified as a new section in the new chapter established in section X of this ordinance.

SECTION 19. Ordinance 3688, Section 302, and K.C.C. 25.12.020 are each hereby amended to read as follows:

~~((Names of))~~ **Shoreline environment designations.** A. In order to accomplish the ~~((purpose of this title))~~ goals, policies and regulations of the King County shoreline master program, the following shoreline environment~~((al))~~ designations have been established ~~((to be known as follows))~~:

~~((A))~~ 1. ~~((Natural))~~ High intensity shoreline ~~((environment))~~;

~~((B))~~ 2. ~~((Conservancy))~~ Residential shoreline ~~((environment))~~;

~~((C))~~ 3. Rural shoreline ~~((environment))~~;

((D)) 4. ~~((Urban))~~ Conservancy shoreline ~~((environment))~~;

5. Resource shoreline;

6. Forestry shoreline;

7. Natural shoreline; and

8. Aquatic shoreline.

9. The map adopted as appendix XX of the King County Comprehensive Plan shall constitute the office King County shoreline environment designations.

SECTION 20. K.C.C. 25.12.050, as amended by this ordinance, is hereby recodified as a new section in the new chapter established in section X of this ordinance.

SECTION 21. Ordinance 3688, Section 305, and K.C.C. 25.12.050 are each hereby amended to read as follows:

Location of boundaries. A. ~~((Boundaries indicated as following streets, highways, roads and bridges shall be deemed to follow the centerline of such facilities unless otherwise specified.~~

~~B. Boundaries indicated as following railroad lines and transmission lines shall be deemed to follow the centerline of such rights of way or easements unless otherwise specified.~~

C.)) Where different environment~~((at))~~ designations have been given to a tributary and the main stream at the point of confluence, the environment~~((at))~~ designation given to the main stream shall extend for a distance of two hundred feet up the tributary.

~~((D))~~B. In case of uncertainty as to a wetland or environment boundary, the director shall determine its exact location pursuant to the criteria of ~~((WAC 173-22-055 and))~~ RCW 90.58.030 and the provisions of this chapter.

182 NEW SECTION. SECTION 22. There is hereby added a new section in the new chapter
183 established in section X of this ordinance to read as follows:

184 **Shoreline use and shoreline modification.**

185 A. Shoreline use is an activity that is allowed within a specific shoreline environment. A
186 shoreline use is allowed on a site only if the underlying zoning allows that use on that site. Some
187 shoreline uses that may significantly impair or alter the public's use of the water or that may have
188 a significant ecological impact on the shoreline or shoreland may be allowed after review under
189 the criteria specified in section X of this ordinance. Shoreline uses are identified in section X of
190 this ordinance.

191 B. Shoreline modification is construction of a physical element to change the natural or
192 existing shoreline conditions, such as a bulkhead, groin, berm, jetty, breakwater, dredging,
193 filling, vegetation removal or alteration, or application of chemicals. Shoreline modifications are
194 identified in section X of this ordinance.

195 NEW SECTION. SECTION 23. There is hereby added a new section in the new chapter
196 established in section X of this ordinance to read as follows:

197 **Protection of ecological functions.** All shoreline uses and shoreline modifications must
198 assure protection of ecological functions. The regulations for the protection of critical areas in
199 K.C.C. chapter 21A.24 constitute protection of ecological functions. Restoration of ecological
200 functions should be required as part of development in the rural, conservancy and natural
201 shoreline environments and within critical saltwater habitat.

202 NEW SECTION. SECTION 24. There is hereby added a new section in the new chapter
203 established in section X of this ordinance to read as follows:

Interpretation of shoreline use table. The shoreline use table in section X of this ordinance determines whether a specific use is allowed within each of the shoreline environments. The shoreline environment is located on the vertical column and the specific use is located on the horizontal row of the table. The table should be interpreted as follows:

A. If the cell is blank in the box at the intersection of the column and the row, the use is not allowed in that shoreline environment.

B. If the letter "P" appears in the box at the intersection of the column and the row, the use may be allowed within the shoreline environment, and only if the underlying zoning allows the use.

C. If the letter "C" appears in the box at the intersection of the column and the row, the use may be allowed within the shoreline environment subject to the shoreline conditional use review procedures specified in section X of this ordinance, and only if the underlying zoning allows the use.

D. If a number appears in the box at the intersection of the column and the row, the use may be allowed subject to the appropriate review process indicated above, the specific development conditions indicated with the corresponding number immediately following the table, and only if the underlying zoning allows the use. If more than one number appears at the intersection of the column and row, both numbers apply.

E. If more than one letter-number combination appears in the box at the intersection of the column and the row, the use is allowed within that shoreline environment subject to different sets of limitations or conditions depending on the review process indicated by the letter, the specific development conditions indicated in the development condition with the corresponding number immediately following the table, and only if the underlying zoning allows the use.

227 NEW SECTION. SECTION 25. There is hereby added a new section in the new chapter
 228 established in section X of this ordinance to read as follows:

229 **Shoreline uses.** A. This section may not authorize a land use that is not allowed by the
 230 underlying zoning, but may add additional restrictions or conditions or prohibit specific land uses
 231 within the shoreline jurisdiction. When there is a conflict between the permitted land uses in
 232 K.C.C. chapter 21A.08 and shoreline uses in this section, preference for shoreline uses shall first
 233 be given to water-dependent uses, then to water-related uses, and finally to water-enjoyment
 234 uses. All uses in the shoreline jurisdiction must comply with all relevant county code provisions
 235 and with the King County Shoreline Master Program.

236 B. Shoreline uses.

| | | | | | | | | |
|---|---|---|-----------------------|---|--------------------------------------|--------------------------------------|---------------------------------|---------------------------------|
| KEY P - Permitted Use C – Shoreline Conditional Use Shoreline uses are allowed only if the underlying zoning allows the use. | H I G H I N T E N S I T Y | R E S I D E N T I A L | R U R A L | C O N S E R V A N C Y | R E S O U R C E | F O R E S T R Y | N A T U R A L | A Q U A T I C |
| Residential Uses 21A.08.030 | | | | | | | | |
| Dwelling Units | P1, 2 | P 2 | P2 | P 2 | P | P | C3 | |
| Group Residences | P1, 2 | P2 | P2 | P2 | P | P | | |
| Accessory Uses | P4 | P4 | P4 | P4 | P4 | P4 | C4 | P4 |
| Temporary Lodging | P1, 2 | | | | | | | |
| Recreational/Cultural Uses 21A.08.040 | | | | | | | | |
| Park/Recreation, except marinas | P5, 7 | P5, 7 | P5, 7 | P5, 7 | P5, 7 | P5, 7 | P5, 7 C8 | P5, 7 |
| Marinas | C6 | C6 | C6 | | | | | C6 |
| Amusement/Entertainment | P9 | P9 | P9 | P9 | | | | |

| KEY P - Permitted Use C – Shoreline Conditional Use Shoreline uses are allowed only if the underlying zoning allows the use. | H I G H I N T E N S I T Y | R E S I D E N T I A L | R U R A L | C O N S E R V A N C Y | R E S O U R C E | F O R E S T R Y | N A T U R A L | A Q U A T I C |
|--|---|---|-----------------------|---|--------------------------------------|--------------------------------------|---------------------------------|---------------------------------|
| Cultural | P9 | P9 | P9 | P9 | | | | |
| General Service Uses 21A.08.050 | | | | | | | | |
| Personal Services | P9 | P9 | P9 | P9 | P9 | P9 | | |
| Health Services | P9 | P9 | P9 | P9 | | | | |
| Education Services | P9 | P9 | P9 | P9 | | | | |
| Government/Business Services Uses 21A.08.060 | | | | | | | | |
| Government Services | P2, 10 | P2, 10 | P2, 10 | P2, 10 | P2, 10 | P2, 10 | P2, 10 | P11 |
| Business Services | P9 | P9 | P9 | P9 | P9 | P9 | | |
| Accessory Uses | P | P | P | P | P | P | | |
| Retail Uses 21A.08.070 | | | | | | | | |
| All Retail Uses | P9 | P9 | P9 | P9 | P9 | P9 | | |
| Manufacturing Uses 21A.08.080 | | | | | | | | |
| All Manufacturing Uses | P12 | | | | | | | |
| Resource Land Uses 21A.08.090 | | | | | | | | |
| Agriculture | | P | P | P | P | P | | |
| Forestry | | P13 | P13 | P13 | P13 | P13 | P13 | |
| Fish & Wildlife Management | P | P | P | P | P | P | P | P14 |
| Mineral | | | P15 | P15 | P15 | P15 | | P15 |
| Accessory Uses | | | P | P | P | P | | P |
| Regional Land Uses 21A.08.100 | | | | | | | | |
| All Regional Land Uses | C16 | C16 | C16 | C16 | C16 | C16 | C16 | C16 |

1. Residential uses in the high intensity environment are allowed only as part of a water-oriented mixed use development.

2. Public access or recreational opportunities, subject to the standards in section X of this ordinance, are required for mixed use developments, attached dwelling units, group residences, temporary lodging and government services, and encouraged for other uses, unless the public access would create a public safety risk or is incompatible with the use.

3. Only single detached dwelling units.

4. Residential accessory uses must meet the following standards:

a. docks, piers, moorage and floats must meet the standards in section X of this ordinance;

b. accessory structures shall be limited to a one-hundred fifty square foot footprint, except for agricultural structures and swimming pools; and

c. accessory structures shall be sited to preserve visual access to the shoreline to the extent practicable.

5. Publicly-owned park/recreation land uses that are managed for active recreation should provide public access to or recreational use of the shoreline and must meet the standards in section X of this ordinance(access and rec) and Section X of this ordinance (docks, piers, moorage and floats).

6. Marinas containing docks, piers, moorage and floats must meet the standards in section X of this ordinance.

7. Only water-oriented uses, except for public parks and trails. Retail uses within shoreline environments may be allowed within a public park consistent with K.C.C. 21A.08.070. In the conservancy environment, only the following uses are allowed:

- 261 a. park;
- 262 b. large active recreation and multiuse park;
- 263 c. trails; and
- 264 d. campgrounds;
- 265 8. A shoreline conditional use is required for a destination resort.
- 266 9. Only water-oriented uses.
- 267 10. Only water-oriented uses, except for public roads and utility facilities.
- 268 11. The following standards apply to government services uses within the aquatic
- 269 environment:
- 270 a. Stormwater and sewage outfalls within the Maury Island Aquatic Reserve are not
- 271 allowed. Stormwater and sewage outfall may be allowed along the area from Piner Point to
- 272 Point Robinson on Maury Island and within other aquatic environments if upland treatment and
- 273 infiltration to groundwater, streams or wetlands is not feasible and there is no impact on eelgrass,
- 274 herring holding area, salmon migratory habitat and the nearshore zone.
- 275 b. Water intakes shall not be located near fish spawning, migratory, or rearing areas.
- 276 Intakes should generally be placed deeper than thirty feet below the ordinary high water mark
- 277 and must adhere to Washington Department Fish and Wildlife fish screening criteria.
- 278 c. Desalinization facilities shall not be located near fish spawning, migratory, or
- 279 rearing areas. Intakes should generally be placed deeper than thirty feet below the ordinary high
- 280 water mark and must adhere to Washington Department Fish and Wildlife fish screening criteria.
- 281 Discharge of desalination wastewater or concentrated mineral is not allowed in the Maury Island
- 282 Aquatic Reserve, except that outside the Inner and Outer Harbormaster Harbor, discharge may
- 283 be considered if there is no impact on eelgrass, herring holding area, salmon migratory habitat

and the nearshore zone.

d. Cable crossings for telecommunications and power lines shall:

(1) be routed around or drilled below aquatic critical habitat or species;

(2) be installed in sites free of vegetation, as determined by physical or video seabed survey,

(3) be buried, preferably using directional drilling, from the uplands to waterward of the deepest documented occurrence of native aquatic vegetation; and

(4) use the best available technology.

e. Oil, gas, water, and other pipelines shall meet the same standards as cable crossings and in addition:

(1) pipelines must be directionally drilled to depths of seventy feet MLLW?? or one half mile from the ordinary high water mark; and

(2) use the best available technology for operation and maintenance.

f. Breakwaters and not allowed within the Maury Island Aquatic Reserve or within the aquatic environment adjacent to the conservancy and natural shorelines.

12. Manufacturing uses in the shoreline environment are subject to the following conditions:

a. preference shall be given first to water-dependent manufacturing uses and second to water-related manufacturing uses. Nonwater-oriented uses are allowed only as part of a mixed-use development that includes a water-dependent use, or on sites physically separated from the water by another parcel or public right-of-way;

b. public access is required unless it would result in a public safety risk or is incompatible with the use;

c. boat repair facilities are not permitted within the Maury Island Aquatic Reserve,
however the following is allowed:

(1) engine repair or maintenance conducted within the engine space without vessel
haul-out,

(2) topside cleaning, detailing and bright work,

(3) electronics servicing and maintenance,

(4) marine sanitation device servicing and maintenance that does not require haul-
out,

(5) vessel rigging, and

(6) minor repairs or modifications to the vessel's superstructure and hull above the
waterline which do not exceed twenty-five percent of the vessel's surface area above the
waterline.

13. Forestry must meet the standards in section X of this ordinance.

14. Aquaculture must meet the standards in section X of this ordinance.

15. Mineral resources must meet the standards in K.C.C. chapter 21A.22. A shoreline
conditional use permit is required for mining within a severe channel migration hazard area.

16. Regional land uses are subject to a shoreline conditional use permit. Surface
drilling for oil or gas is prohibited in Puget Sound waterward from the ordinary high water mark
and landward one thousand feet from the ordinary high water mark on Puget Sound.

SECTION 26. K.C.C. 25.16.200, as amended by this ordinance, is hereby recodified as a
new section in the new chapter established in section X of this ordinance.

SECTION 27. Ordinance 3688, Section 415, and K.C.C. 25.16.200, are each hereby
amended to read as follows:

Public access and ((R))recreation. ~~((R))Public access and recreational development~~
~~((may be permitted in the urban environment subject to the general requirements (Section~~
~~25.16.030) of this chapter, and provided))~~ must meet the following standards:

- A. The recreational development ~~((is))~~ must be permitted in the underlying zone.
- B. Swimming areas shall be separated from boat launch areas and marinas.
- C. The development of underwater sites for sport diving shall not:
 - 1. Take place at depths of greater than eighty feet;
 - 2. Constitute a navigational hazard;
 - 3. Be located in areas where the normal waterborne traffic would constitute a hazard to those people who may use such a site.
- D. The construction of swimming facilities, docks, piers, moorages, floats and launching facilities below the ordinary high water mark shall be governed by the regulations relating to docks, piers, ((and)) moorage, floats or launching facility construction in ((the commercial development)) section X ((Section 25.16.070)) of this ((chapter)) ordinance.
- E. Public boat launching facilities ~~((or marinas))~~ may be developed, provided:
 - 1. The traffic generated by such a facility can be safely and conveniently handled by the streets serving the proposed facility; and
 - 2. The facility ~~((will not be located on a Class I beach))~~ provides adequate parking in accordance with K.C.C. chapter 21A.18.
- F. ~~((Upland facilities constructed in conjunction with a recreational development shall be setback and/or sited to avoid contamination of the shorelines of the state.))~~ Campgrounds in the natural environment shall meet the following conditions:

1. Campsite shall be located outside the shoreline jurisdiction if possible, and if not, be located outside of critical areas buffers;

2. Place restrooms and parking outside the shoreline jurisdiction; and

3. Select sites that do not require the removal of vegetation;

~~((G. All service facilities within and associated with marinas shall have provisions to prevent and control contaminants from entering the water. Provisions shall be available for cleanup of accidental spills of contaminants.))~~

~~((H))~~G. Marina facilities shall be prohibited ~~((on Class I beaches or))~~ where their development would interrupt littoral currents ~~((and starve Class I beaches))~~. Marinas shall not be located within the resource, forestry or natural shoreline environments.

~~((I))~~H. Public pedestrian and bicycle pathways shall ~~((be permitted adjacent to water bodies))~~ be located in accordance with the shoreline public access plan.

I. Public pedestrian and bicycle pathways and recreation areas constructed as part of a private development proposal should enhance access and enjoyment of the shoreline and should provide features in scale with the development such as, but not limited to:

1. View points;

2. Places to congregate in proportion to the scale of the development;

3. Benches and picnic tables;

4. Pathways; and

5. Connections to other public and private public access and recreation facilities.

J. When public access is required by this chapter, public access shall:

1. Connect to other public and private public access and recreation facilities on adjacent parcels;

2. Be sited to assure public safety is considered;

3. Be open to the general public; and

4. Assure there is no net loss of ecological functions.

((J)) K. Public contact with unique and fragile areas shall be permitted where it is possible without destroying the natural character of the area.

((K)) L. Water viewing, nature study, recording and viewing shall be accommodated by space, platforms, benches or shelter, consistent with public safety and security.

M. Private access from single detached residences to the shoreline shall:

a. not exceed three feet in width;

b. be constructed of pervious materials, such as wood chips;

c. avoid removal of significant trees and other woody vegetation to the maximum extent practical; and

d. avoid a location that is parallel to the shoreline to the maximum extent practical.

SECTION 28. K.C.C. 25.16.120, as amended by this ordinance, is hereby recodified as a new section in the new chapter established in section X of this ordinance.

SECTION 29. Ordinance 3688, Section 409(4), as amended, and K.C.C. 25.16.120 are each hereby amended to read as follows:

~~((Residential development--))~~ **Docks, ((P))piers, moorage, or launching facilities -**
Conditions. Docks, piers, moorage or launching facilities are allowed only for water dependent
uses or for public access. A water related or water enjoyment use may be allowed on an over-
water structure only as part of a mixed-use development that includes a water dependent use.
Any dock, pier, moorage, float or launching facility authorized by ((K.C.C. 25.16.090 through
25.16.140)) this chapter shall be subject to the following conditions:

398 A. ~~((No structure may be located nor extend further waterward of the ordinary high~~
399 ~~water mark than one fourth the total distance from the shoreline associated with the structure to~~
400 ~~the opposite shoreline. This total distance shall be measured from the point where the authorized~~
401 ~~structure abuts the ordinary high water mark to the nearest opposite high water mark as measured~~
402 ~~along a straight line; provided, when the structure does not abut the ordinary high water mark,~~
403 ~~the distance from one ordinary high water mark to the opposite ordinary high water mark shall be~~
404 ~~measured along the shortest straight line passing through the center of that structure which~~
405 ~~commences from the property associated with such a structure.)) Any dock, pier, moorage, float~~
406 ~~or launching facility located on a freshwater anadromous salmonid lake that is accessory to a~~
407 ~~residential development shall conform to the United States Army Corps of Engineers General~~
408 ~~Permit RGP-3.~~

409 B. Any dock, pier, moorage, float or launching facility located on a freshwater non-
410 anadromous lake shall conform to the department of development and environmental services
411 public rule 25-16, Shoreline Master Program: Repair or Replacement of Shoreline Protection,
412 Piers, Moorage Facilities, or Launching Facilities.

413 C. Any dock, pier, moorage, float or launching facility located on marine waters shall
414 conform to the United States Army Corps of Engineers General Permit RGP-6.

415 D. Fixed docks or piers are not allowed along shorelines with significant wetland
416 vegetation and a habitat score of greater than twenty points.

417 E. Any dock, pier, moorage, float or launching facility proposal on marine waters must
418 include an evaluation of the nearshore environment and the potential impact of the facility on
419 that environment.

F. In the high intensity, residential, rural and conservancy environments, the following standards apply:

1. Only joint use dock, pier, moorage, float or launching facilities are allowed for attached dwelling unit development proposals;

2. Only one dock, pier, moorage, float or launching facility may be allowed for each single detached residential parcel and only if the applicant demonstrates there is no other option; and

3. Only one dock, pier, moorage, float or launching facility is allowed for each commercial or industrial use.

G. In the conservancy environment a dock or pier for a residential, commercial or manufacturing use must be located at least two hundred fifty feet from another dock or pier.

H. In the resource and forestry environments, a shoreline conditional use permit is required for a dock, pier, moorage, float or launching facility, except for viewing platforms for water-dependent resource uses.

I. In the natural environment, a dock, pier, moorage float or launching facility is prohibited.

((B)) J. No covered dock, pier, covered moorage, covered float, or other covered structure is permitted waterward of the ordinary high water mark, except that submerged, free-standing mechanical boat lifts associated with ~~((single family))~~ single detached residential docks or piers and recreational watercraft, that are located outside the Maury Island Environment Aquatic Reserve, may be covered with a canopy, provided:

1. No canopy shall be more than ~~((25))~~ twenty-five feet in length or wider than ~~((15))~~ fifteen feet;

2. No portion of the canopy shall exceed a height of ~~((40))~~ ten feet above the Ordinary High Water Line (OHWL);

3. The canopy shall at no time have any side partly or wholly enclosed;

4. The highest portion of the canopy shall be located below the topographical grade of existing homes on surrounding properties;

5. Canopies shall be made out of canvas or other such non-toxic materials;

6. Canopies shall be of a solid color and should be of a shade which is non-obtrusive;

7. The canopy shall be included in the square footage calculations for docks and piers, as enumerated in ~~((K.C.C. 25-16-140E))~~ United States Army Corps of Engineers General Permit RGP-3, the United States Army Corps of Engineers General Permit RGP-6, or the department of development and environmental services public rule 25-16, Shoreline Master Program: Repair or Replacement of Shoreline Protection, Piers, Moorage Facilities, or Launching Facilities; and

8. Only one boat lift canopy per ~~((single-family))~~ single detached residence shall be allowed.

~~((C))~~ K. No dock, pier, moorage, float, or overwater structure or device shall be located closer than fifteen feet from the side property line extended, except that such structures may abut property lines for the common use of adjacent property owners when mutually agreed to by the property owners in a contract recorded with the King County ~~((division of))~~ records, ~~((and))~~ elections and licensing division, a copy of which must accompany an application for a building permit or a shoreline permit; such joint use piers may be permitted up to twice the surface area allowed by this title.

~~((D))~~ L. All docks, piers, moorages, floats or other such structures shall float at all times on the surface of the water or shall ~~((be of open pile construction, provided no portion of the~~

structure shall, during the course of the normal fluctuations of the elevation of the water body, protrude more than five feet above the surface of the water, except as provided in subsection B2)) meet the piling specifications of the United States Army Corps of Engineers General Permit RGP-3, the United States Army Corps of Engineers General Permit RGP-6, or the department of development and environmental services public rule 25-16, Shoreline Master Program: Repair or Replacement of Shoreline Protection, Piers, Moorage Facilities, or Launching Facilities.

((E)) M. No dock or pier, including finger pier, moorage, float, or overwater structure or device shall be wider than fifty percent of the lot with which it is associated.

((F)) N. No dwelling unit may be constructed on a dock or pier.

SECTION 30. K.C.C. 25.20.060, as amended by this ordinance, is hereby recodified as a new section in the new chapter established in section X of this ordinance.

SECTION 31. Ordinance 3688, Section 506, as amended, and K.C.C. 25.20.060, are each hereby amended to read as follows:

Forest practices. ~~((Forest practices may be permitted in the rural environment provided:))~~

A. Forest practices ~~((see chapter 76.09 RCW) within shorelines require a shoreline conditional use permit when occurring outside of the lands classified F in the King County zoning code.~~

~~Forest practices within shorelines on lands classified F in the King County zoning code shall require a shoreline conditional use permit when))~~ within shorelines of statewide significance ~~((are involved or the forest practices would potentially impact))~~ shall meet the following conditions:

1. ~~((Geological hazards which could damage public resources;~~

2. ~~State threatened or endangered species;~~

3. ~~Critical wildlife habitat;~~

488 ~~4. Streams which could create instability of the drainage or affect temperature or~~
489 ~~sediment delivery to other streams resulting in damage to public resources;~~

490 ~~5. Identified critical areas of watersheds supplying fish hatcheries, artificial rearing areas,~~
491 ~~domestic or municipal water systems;~~

492 ~~6. Areas having archeological or cultural significance;~~

493 ~~7. Areas with a high potential of soil erosion.))~~ Only selective commercial timber harvest
494 is allowed, except other timber harvesting methods may be permitted where the topography, soil
495 conditions or silviculture practices necessary for forest regeneration render selective commercial
496 timber harvest ecologically detrimental;

497 2. No more than thirty percent of the merchantable trees may be harvested in any ten
498 year period of time; and

499 3. Clear cutting of timber that is solely incidental to the preparation of land for other
500 uses authorized by the King County shoreline master program may be permitted.

501 B. ~~((Buffers. On all forest practices requiring a shoreline conditional use permit, a~~
502 ~~minimum buffer of 100 feet from either the ordinary high water mark or the edge of the FEMA~~
503 ~~floodway, whichever is greater, shall be established. The buffer shall be extended as necessary~~
504 ~~pursuant to the sensitive areas code to protect critical fish habitat for spawning or rearing; to~~
505 ~~alleviate surface water runoff problems; to protect habitat for endangered, threatened, sensitive~~
506 ~~or monitor species listed by the federal government or the state of Washington; to control erosion~~
507 ~~hazards or for other reasons set out in K.C.C. chapter 21A.24. Along shorelines outside of lands~~
508 ~~classified F, there shall be no harvest of timber within the buffer except for necessary roads and~~
509 ~~crossings. Along shorelines within the lands classified F where a conditional use permit is~~
510 ~~required, timber harvest within the buffer is permitted so long as the functions of the buffer are~~

511 ~~not damaged and the applicant submits a harvest plan for review and approval.))~~ B. Forest
512 practices in the natural environment is only allowed to enhance forest health.B. Forest practices
513 within shoreline environments must comply with the Forest Practices Rules in WAC 222 and the
514 revised Forest Practices Board Manual except:

515 1. The small forest landowner forestry riparian easement program established in chapter
516 222-21 WAC does not apply within shorelines; and

517 2. Roads crossing wetlands and aquatic areas within shorelines shall not exceed
518 fourteen feet in width for single lane roads and twenty-six feet in width for two-lane roads, plus
519 any additional width needed for curves or safety conditions.

520 C. ~~((All culverts shall be designed to comply with K.C.C. chapter 9.04 and shall be kept~~
521 ~~clear of obstructions. The minimum size for culverts shall be fifteen inches in diameter.))~~ Forest
522 practices in the natural environment are allowed only to promote forest health.

523 ~~((D. Culverts installed in streams used by fish shall meet all requirements set by the state~~
524 ~~Department of Fish and Wildlife and K.C.C. chapter 9.04.~~

525 ~~E. Roads and landings shall not be constructed within shoreline areas~~
526 ~~except when necessary to:~~

527 ~~1. Cross streams;~~

528 ~~2. Avoid road construction on unstable soils or on steep slopes when such construction~~
529 ~~would be more harmful than a shoreline location;~~

530 ~~3. Perform water course improvement work only after approval of the state Department~~
531 ~~of Fish and Wildlife.~~

532 ~~F. Roads shall minimize cut and fill.~~

533 ~~G. Where roadside material is potentially unstable or erodible, it shall be stabilized by~~
534 ~~use of seeding, compacting, riprapping, benching or other suitable means.~~

535 ~~H. Cut slopes shall not exceed:~~

536 ~~(X to Y) 1/4 to 1 in rock~~

537 ~~3/4 to 1 in stable soils~~

538 ~~1 1/2 to 1 in unstable soils~~

539 ~~I. Side cast and embankment fill slopes shall not exceed:~~

540 ~~(X to Y) 1 1/3 to 1 in broken rock and stable soils~~

541 ~~1 1/2 to 1 in unstable soils~~

542 ~~J. Running surface widths should be kept to a minimum, with not more than twenty-six~~
543 ~~feet for two-lane roads and not more than fourteen feet for single-lane roads.~~

544 ~~K. Embankment fills shall:~~

545 ~~1. Be constructed and compacted in layers no more than two feet thick;~~

546 ~~2. Consist of inorganic material with no buried slash or debris beneath the running~~
547 ~~surface;~~

548 ~~3. Not encroach upon a one-hundred-year floodplain so as to reduce its storage capacity~~
549 ~~or disturb riparian vegetation.~~

550 ~~L. Where side cast would encroach upon a one-hundred-year floodplain, end haul~~
551 ~~construction is required.~~

552 ~~M. Waterway crossings shall be constructed with minimum disturbance to banks and~~
553 ~~existing channels.~~

554 ~~N. Any soil or debris accidentally placed in the channel during bridge construction shall~~
555 ~~be removed by approved methods. All exposed soils shall be stabilized.~~

~~Q. All bridges shall be high enough to pass all anticipated debris and high water flows.~~

~~P. Where aggregate earthen materials are used for paving or accumulate on bridges, sufficient curbs shall be installed to contain the surface material.~~

~~Q. Each stringer bridge shall have one secured end and one end free to swing.~~

~~R. When active use of a logging road is discontinued, it shall be left in such condition to provide adequate drainage and soil stability.~~

~~S. Equipment used for transportation, storage or application of chemicals shall be maintained in leakproof condition. If there is evidence of chemical leakage, the further use of such equipment must be suspended until the deficiency has been satisfactorily corrected.~~

~~T. Materials treated with penta, creosote or other chemicals shall be dried completely before use in any lake or stream.))~~

NEW SECTION. SECTION 32. There is hereby added a new section in the new chapter established in section X of this ordinance to read as follows:

Aquaculture. An applicant for an aquaculture facility must use the sequential measures for avoiding impacts to critical areas and critical areas buffers contained in K.C.C. 21A.24.125. The following standards apply to aquaculture:

A. Aquaculture shall not impede navigation, or water-dependent uses;

B. The facility shall be designed, located and managed to prevent the spread of diseases to native aquatic life or result in the spread of new nonnative species;

C. Herbicides and pesticides shall be used only in conformance with state and federal standard and to the minimum extent needed for the health of the aquaculture activity;

D. Aquaculture shall not result in impacts to water quality and existing aquatic habitat, and to the ecological functions identified in the shoreline inventory and characterization report;

E. Floating aquaculture facilities shall not be located:

1. Over eelgrass, kelp or other macroalgae; or

2. Over documented spawning habitat.

F. The facility shall be sited in areas of adequate tidal variation to prevent or minimize impacts on water quality and sediment.

G. Cutting, tilling or otherwise disturbing native vegetation is not allowed.

H. The aesthetic impacts of the aquacultural activities shall be mitigated to the maximum extent practical.

I. Siting of aquaculture facilities shall consider impacts on public access to the water and shall maintain existing access or include new public access to the maximum extent practical.

J. Within the Maury Island Aquatic Reserve, the following conditions apply:

1. Net pens are not allowed within the Inner Quartermaster Harbor; and

2. Herring pens are not permitted in the Outer Quartermaster Harbor or along the Maury Island eastern shore during periods of herring spawning in January through mid-April.

NEW SECTION. SECTION 33. There is hereby added a new section in the new chapter established in section X of this ordinance to read as follows:

Interpretation of shoreline modification table. The shoreline modification table in section X of this ordinance determines whether a specific shoreline modification is allowed within each of the shoreline environments. The shoreline environment is located on the vertical column and the specific use is located on the horizontal row of the table. The table should be interpreted as follows:

A. If the cell is blank in the box at the intersection of the column and the row, the modification is not allowed in that shoreline environment.

B. If the letter "P" appears in the box at the intersection of the column and the row, the modification may be allowed within the shoreline environment, and only if the underlying zoning allows the modification.

C. If the letter "C" appears in the box at the intersection of the column and the row, the modification may be allowed within the shoreline environment subject to the shoreline conditional use review procedures specified in section X of this ordinance, and only if the underlying zoning allows the modification.

D. If a number appears in the box at the intersection of the column and the row, the modification may be allowed subject to the appropriate review process indicated above, the specific development conditions indicated with the corresponding number immediately following the table, and only if the underlying zoning allows the modification.

E. If more than one letter-number combination appears in the box at the intersection of the column and the row, the modification is allowed within that shoreline environment subject to different sets of limitations or conditions depending on the review process indicated by the letter, the specific development conditions indicated in the development condition with the corresponding number immediately following the table, and only if the underlying zoning allows the modification.

NEW SECTION. SECTION 34. There is hereby added a new section in the new chapter established in section X of this ordinance to read as follows:

Shoreline modifications.

A. Shoreline modifications.

| KEY | H I G H I N T E N S I T Y | R E S I D E N T I A L | R U R A L | C O N S E R V A N C Y | R E S O U R C E | F O R E S T R Y | N A T U R A L | A Q U A T I C |
|--|---|---|-----------------------|---|--------------------------------------|--------------------------------------|---------------------------------|---------------------------------|
| Modifications | | | | | | | | |
| Shoreline protection/bulkheads, except flood protection facilities | P1 | P1 | P1 | P1 | P1 | C1 | C1 | |
| Flood protection facilities | P2 | P2 | P2 | P2 | P2 | P2 | P2 | P2 |
| Breakwaters, jetties, groins and weirs | | | | | | | | C3 |
| Excavation, dredging and filling | P4 | P4 | P4 | P4 | P4 | P4 | P4 | C4 |
| Vegetation removal | P5 | P5 | P5 | P5 | P5 | P5 | P5 | P5 |
| | | | | | | | | |

B. Development conditions.

1. Shoreline stabilization, including bulkheads, but not including flood protection facilities, must meet the standards in section X of this ordinance.

2. Flood protection facilities must be consistent with the standards in K.C.C. chapter 21A.24, the King County Flood Hazard Management Plan, the King County Guidelines for Bank Stabilization Projects and the Washington State Integrated Streambank Protection Guidelines.

3. Breakwaters, jetties and weirs re only allowed where necessary to support water dependent uses, public access, approved shoreline stabilization, or other public uses, as determined by the director. Groins are only allowed to protect or restore shoreline biological functions or processes, or as part of a community or public beach management program addressing an entire drift section or reach, and only if no alternative is feasible. A shoreline conditional use permit shall not be required for in-water structures installed for habitat

restoration or flood risk reduction projects sponsored by a public agency. The mitigation sequencing of K.C.C. 21A.24.125 must be followed prior to approval of a breakwater, jetty, groin or weir.

4. Excavation, dredging and filling is subject to the standards in section X of this ordinance.

5. Vegetation removal shall be consistent with the standards in K.C.C. chapter 21A.24 except vegetation removal is not allowed in the natural environment except for the removal of noxious and invasive vegetation using hand equipment.

SECTION 35. K.C.C. 25.16.180, as amended by this ordinance, is hereby recodified as a new section in the new chapter established in section X of this ordinance.

SECTION 36. Ordinance 3688, Section 413, as amended, and K.C.C. 25.16.180, are each hereby amended to read as follows:

Shoreline protection and bulkheads. Shoreline protection may be permitted ~~((in the urban environment))~~ subject to the standards in this chapter, provided:

A. Shoreline protection to replace existing shoreline protection shall be placed along the same alignment as the shoreline protection it is replacing, or landward of the existing shoreline protection, but may be placed waterward directly abutting the old structure only in cases where removal of the old structure would result in ~~((construction problems))~~ greater impact on ecological functions. In critical saltwater habitats, existing shoreline protection shall not be allowed to be replaced if the existing shoreline protection is resulting in the loss of ecological functions;

B. On lots where the abutting lots on both sides have legally established bulkheads, a new bulkhead may be installed no further waterward, as measured at an elevation two feet above the current ordinary high water mark, than the bulkheads on the abutting lots, provided that the

658 horizontal distance between existing bulkheads on adjoining lots does not exceed one-hundred feet.
659 The ~~((manager))~~ director may, upon review, permit a bulkhead to connect two directly adjoining
660 bulkheads, for a distance up to one hundred fifty feet. In making such a determination the manager
661 shall consider the amount of inter-tidal land~~((/))~~ or water bottom to be covered, the existence of
662 fish or shellfish resources ~~((thereon))~~, and whether the proposed use or structure could be
663 accommodated by other configurations of bulkhead ~~((which))~~ that would result in less loss of
664 shoreland, tideland, or water bottom;

665 C. ~~((In))~~ An applicant must demonstrate the following in order ~~((for a proposed bulkhead))~~
666 to qualify for the RCW 90.58.030(3) (e) ~~((iii))~~ (ii) exemption from the shoreline substantial
667 development permit requirements for a proposed bulkhead and to insure that ~~((such))~~ the
668 bulkhead~~((s))~~ will be consistent with ~~((this program))~~ the King County shoreline master program as
669 required by RCW 90.58.141(1), ~~((the Building and Land Development Division shall review the~~
670 ~~proposed design as it relates to local physical conditions and the King County shoreline master~~
671 ~~program and must find that))~~:

672 1. Erosion from waves or currents is imminently threatening a legally established
673 ~~((residence))~~ single detached dwelling unit or one or more substantial accessory structures, and

674 2. The proposed bulkhead is more consistent with the King County shoreline master
675 program in protecting the site and adjoining shorelines than feasible, non-structural alternatives
676 such as slope drainage systems, vegetative growth stabilization, gravel berms and beach
677 nourishment, are not feasible or will not adequately protect a legally established residence or
678 substantial accessory structure, and

679 3. The proposed bulkhead is located landward of the ordinary high water mark or it
680 connects to adjacent, legally established bulkheads as in subsection B. above, and

4. The maximum height of the proposed bulkhead is no more than one foot above the elevation of extreme high water on tidal waters as determined by the National Ocean Survey published by the National Oceanic and Atmospheric Administration or four feet in height on lakes;

D. Shoreline protection shall not be considered an outright permitted use and shall be permitted only when it has been demonstrated that shoreline protection is necessary for the protection of existing legally established structures and public improvements or the preservation of ~~((important))~~ agricultural lands as designated by the ~~((Office of Agriculture))~~ King County Comprehensive Plan. Shoreline stabilization must avoid to the maximum extent practical, feeder bluffs, salmonid and forage habitat and eelgrass beds and when allowed, must be designed to have the least impact on these resources.

E. Shoreline protection shall not have adverse impact on the property of others.

F. Shoreline protection shall not be used to create new lands~~((, except that groins may be used to create a public Class I beach if they comply with all other conditions of this section))~~.

G. Shoreline protection shall not ~~((significantly))~~ interfere with ~~((normal))~~ surface ~~((and/))~~ or subsurface drainage into the water body.

H. Automobile bodies or other junk or waste material which may release undesirable material shall not be used for shoreline protection.

I. Shoreline protection shall be designed so as not to constitute a hazard to navigation and to not substantially interfere with visual access to the water.

J. Shoreline protection shall be designed so as not to create a need for shoreline protection elsewhere.

K. ~~((Bulkheads on Class I beaches shall be located no farther waterward than the bluff or bank line;~~

~~L. Bulkheads must be approved by the Washington State Department of Fisheries;~~

~~M. Bulkheads shall be constructed using an approved filter cloth or other suitable means to allow passage of surface and groundwater without internal erosion of fine material;~~

~~N. Groins are permitted only as part of a professionally designed community or public beach management program.))~~ Shoreline protection shall comply with the Washington State Integrated Streambank Protection Guidelines and shall be designed to allow for appropriate public access to the shoreline. A shoreline conditional use permit shall be required for shoreline stabilization in the forestry and natural environments.

L. The department shall provide a notice to applicants for new development on Vashon and Maury Island that their development may be impacted by sea level rise and shall require the development to be setback sufficient distance that shoreline protection is not needed.

SECTION 37. K.C.C. 25.16.190, as amended by this ordinance, is hereby recodified as a new section in the new chapter established in section X of this ordinance.

SECTION 38. Ordinance 3688, Section 414, as amended, and K.C.C. 25.16.190, are each hereby amended to read as follows:

Excavation, dredging and filling. Excavation, dredging and filling may be permitted ~~((in the urban environment, only as part of an approved overall development plan not as an independent activity provided))~~ as follows:

A. Any fill or excavation ~~((regardless of size,))~~ landward of the ordinary high water mark shall be subject to the provisions of K.C.C. chapter 16.82((-100)) and K.C.C. chapter 21A.24((;)).

B. ~~((Landfill))~~ Fill may be permitted below the ordinary high water mark only:

1. when necessary ((for the operation of)) to support a water dependent ((or water related)) use((;));

2. to provide for public access;

3. ~~((or))~~ when necessary to mitigate conditions ~~((which))~~ that endanger public safety;

4. to allow for cleanup and disposal of contaminated sediments as part of an interagency environmental cleanup plan;

5. to allow for the disposal of dredged material considered suitable under, and conducted in accordance with, the dredged material management program of the Washington Department of Natural Resources;

6. for expansion or alteration of transportation or utility facilities of statewide significance currently located on the shoreline and then only upon demonstration that alternatives to fill are not feasible; or

7. as part of mitigation actions, environmental restoration projects, beach nourishment, habitat enhancement projects and flood risk reduction projects.

C. A shoreline conditional use permit shall be required for fill or excavation below the ordinary high water mark except for the actions in subsection B.7. above.

~~((C))~~D. ~~((Landfill))~~ Fill or excavations shall be permitted only when technical information demonstrates water circulation, littoral drift, aquatic life and water quality will not be substantially impaired~~((;))~~.

~~((D. Landfill or disposal of dredged material shall be prohibited within the floodway;~~

E. ~~Wetlands such as marshes, swamps, and bogs shall not be disturbed or altered through excavation, filling, dredging, or disposal of dredged material unless the manager determines that either:~~

1. ~~The wetland does not serve any of the valuable functions of wetlands identified in K.C.C. 20.12.080 and U.S. Army Corps of Engineers 33 CFR 320.4(b), including but not limited to wildlife habitat and natural drainage functions, or~~

2. ~~The proposed development would preserve or enhance the wildlife habitat, natural drainage, and/or other valuable functions of wetlands as discussed in K.C.C. 20.12.080 or U.S. Army Corps of Engineers 33 CFR 320.4(b) and would be consistent with the purposes of this Title;~~

F. ~~Class I beaches shall not be covered by landfill except for approved beach feeding programs;~~

G. ~~Excavations on beaches shall include precautions to prevent the migration of fine grain sediments, disturbed by the excavation, onto adjacent beach areas and excavations on beaches shall be backfilled promptly using material of similar composition and similar or more coarse grain size;~~

H. ~~No refuse disposal sites, solid waste disposal sites, or sanitary fills of putrescible or non-putrescible material shall be permitted within the shorelines of the state;))~~

~~((I))~~E. ~~((Excavation or dredging))~~ Dredging and Dredged material disposal below the ordinary high water mark shall be permitted only:

1. When necessary for the operation of a water dependent ~~((or water related))~~ use~~((, or))~~;

2. When necessary to mitigate conditions ~~((which))~~ that endanger public safety or fisheries resources~~((, or))~~;

3. As part of and necessary to roadside or agricultural ditch maintenance that is performed consistent with best management practices promulgated through administrative rules pursuant to the ~~((sensitive))~~ critical areas provisions of K.C.C. chapter 21A.24 and if:

- 769 a. the maintenance does not involve any expansion of the ditch beyond its previously
770 excavated size. This limitation shall not restrict the county's ability to require mitigation, pursuant
771 to K.C.C. chapter 21A.24, or other applicable laws;
- 772 b. the ditch was not constructed or created in violation of law;
- 773 c. the maintenance is accomplished with the least amount of disturbance to the stream or
774 ditch as possible;
- 775 d. the maintenance occurs during the summer low flow period and is timed to avoid
776 disturbance to the stream or ditch during periods critical to salmonids; and
- 777 e. the maintenance complies with standards designed to protect salmonids and salmonid
778 habitat, consistent with K.C.C. chapter 21A.24; provided, that this paragraph shall not be construed
779 to permit the mining or quarrying of any substance below the ordinary high water mark;

780 4. For establishing, maintaining, expanding, relocating or reconfiguring navigation
781 channels and basins when necessary to assure safe and efficient accommodation of existing
782 navigation uses when:

- 783 a. significant ecological impacts are minimized;
- 784 b. mitigation is provided;
- 785 c. maintained to the existing authorized location, depth and width; and
- 786 5. For restoration projects when:
- 787 a. the site where the fill is placed is located waterward of the ordinary high water mark;
788 and
- 789 b. the project is associated with a habitat project under the Model Toxics Control Act or
790 the Comprehensive Environmental Response, Compensation, and Liability Act, or
- 791 c. any habitat enhancement or restoration project; and

6. For flood risk reduction projects conducted in accordance with Policy RCM-3 of the King County Flood Hazard Management Plan.

F. Dredging is not allowed waterward of the ordinary high water mark for the primary purpose of obtaining fill material unless:

1. Removal of sand and gravel will not adversely affect the natural processes of gravel transportation for the river system as a whole;

2. There is no significant impact on habitat for threatened or endangered species or result in a net loss of ecological function; and

3. Approved under a shoreline conditional use permit, or

4. Part of a habitat restoration project..

~~((J))~~G. Disposal of dredged material shall be done only in approved deep water disposal sites or approved ~~((contain))~~ upland disposal sites and is not allowed within wetlands, the 100-year floodplain or channel migration zones((;)).

~~((K))~~H. Stockpiling of dredged material in or under water is prohibited~~((;))~~.

~~((L. Maintenance dredging not requiring a shoreline permit(s) shall conform to the requirements of this section;~~

~~M. Dredging shall be timed so that it does not interfere with aquatic life;~~

~~N. The county may impose reasonable conditions on dredging or disposal operations including but not limited to working seasons and provisions of buffer strips, including retention or replacement of existing vegetation, dikes, and settling basins to protect the public safety and shore users' lawful interests from unnecessary adverse impact;))~~

~~((O))~~I. In order to insure that operations involving dredged material disposal and maintenance dredging are consistent with ~~((this program))~~ the King County shoreline master

815 program as required by RCW 90.58.140(1), no dredging may commence ~~((on))~~ in any shoreline
816 environment without the responsible person having first obtained either a substantial development
817 permit or a statement of exemption. ~~((; PROVIDED, that no))~~ A statement of exemption or
818 shoreline permit is not required for emergency dredging needed to protect property from imminent
819 damage by the elements~~((;))~~.

820 P. Operation and maintenance of any existing system of ditches, canals, or drains, or
821 construction of irrigation reservoirs, for agricultural purposes are exempt from the shoreline permit
822 requirement.

823 NEW SECTION. SECTION 39. There is hereby added a new section in the new chapter
824 established in section X of this ordinance to read as follows:

825 **Interpretation of shoreline density and dimensions table.** The shoreline density and
826 dimensions table in section X of this ordinance establishes the shoreline standards within each of
827 the shoreline environments. The shoreline environment is located on the vertical column and the
828 density and dimensions standard is located on the horizontal row of the table. The table should
829 be interpreted as follows:

830 A. If the cell is blank in the box at the intersection of the column and the row, the
831 standards are the same as for the underlying zoning.

832 B. If the cell has a number in the box at the intersection of the column and the row, that
833 number is the density or dimension standard for that shoreline environment.

834 C. If the cell has a parenthetical number in the box at the intersection of the column and
835 the row, that parenthetical number identifies specific conditions immediately following the table
836 that are related to the density and dimension standard for that environment.

837 NEW SECTION. SECTION 40. There is hereby added a new section in the new chapter
 838 established in section X of this ordinance to read as follows:

839 **Shoreline density and dimensions.**

840 The density and dimensions enumerated in this section apply to any lot that has buildable
 841 area within the shoreline jurisdiction. Buildable area means that the area of the lot, exclusive of
 842 any setbacks upon which a structure may be constructed. If there is a conflict between the density
 843 and dimension standards in this section and K.C.C. chapter 21A.12, the more restrictive shall
 844 apply.

845 **A. Shoreline density and dimensions.**

| | H I G H I N T E N S I T Y | R E S I D E N T I A L | R U R A L | C O N S E R V A N C Y | R E S O U R C E | F O R E S T R Y | N A T U R A L | A Q U A T I C |
|---|---|---|---------------------------|---|--------------------------------------|--------------------------------------|---------------------------------|---------------------------------|
| Standards | | | | | | | | |
| Base height | 35 feet (1) | 35 feet (1) | 35 feet (1) | 35 feet (1) | 35 feet (1) | 35 feet (1) | 30 feet (1) | 35 feet (1) |
| Minimum lot area | | | 5 acres (2) | 5 acres (2) | 10 acres | 80 acres | 80 acres | |
| Minimum lot width | | 50 feet | 100 feet | 100 feet | 150 feet | 150 feet | 330 feet | |
| Impervious surface | | | | 10% max (3) | | 10% max (3) | 10% max (3) | |
| Residential accessory building footprint | | 150 square feet | 150 square feet (4) | 150 square feet (4) | 150 square feet (4) | 150 square feet | 150 square feet | |

846

B. Development conditions.

1. This height can be exceeded consistent with the base height for the zone for:

a. agricultural buildings;

b. water-dependent uses and water-related uses, only if the view of substantial number of residences will not be obstructed; and

c. light rail transit support structures, but no more than is reasonably necessary to address the engineering, operational, environmental issues at the location of the structure.

2. The minimum lot areas may be reduced as follows:

a. to no less than 10,000 square feet or the minimum lot areas for the zone, which ever is greater, through lot averaging; and

b. to no less than 8,000 square feet, or the minimum lot areas for the zone, whichever is greater, through cluster development as provided in K.C.C. chapter 21A.14 when public access is provided.

3. The director may allow additional impervious surface for public parks, public trails, public transportation and utility facilities.

4. May be exceeded for agricultural structures.

NEW SECTION. SECTION 41. There is hereby added a new section in the new chapter established in section X of this ordinance to read as follows:

Lake Sammamish. Development proposals along Lake Sammamish shall assure that structures are placed at or above thirty-two and one-half feet mean sea level, National Geodetic Datum (NGVD) of 1929.

SECTION 42. K.C.C. 25.16.150, as amended by this ordinance, is hereby recodified as a new section in the new chapter established in section X of this ordinance.

870 SECTION X. Ordinance 3688, Section 410, as amended, and K.C.C. 25.16.150 are each
871 hereby amended to read as follows:

872 **Subdivisions.** A. Any existing lot that does not comply with the density and dimensions
873 standards of K.C.C. chapter 21A.12 or section X of this ordinance and located wholly or partially
874 within the shorelines of the state shall be subject to the following provisions:

875 1. If the adjoining property is not under the same ownership as such lot, then the lot shall
876 be considered a separate building site.

877 2. If the adjoining property is under the same ownership as such lot, then the lot shall not
878 be considered a separate building site until the lot is combined with adjoining property under the
879 same ownership in such a way as to comply with the density and dimensions standards of K.C.C.
880 chapter 21A.12.

881 B. Submerged land within the boundaries of any waterfront parcel shall not be used to
882 compute lot area, lot dimensions, yards, (~~open~~) recreation space or other similar required
883 conditions of land subdivision or development, except, where specifically authorized by ordinance,
884 such lands may be used in area computations as an incentive to encourage common open space
885 waterfront areas.

886 C. All newly created lots wholly or partially within the shoreline shall be of uniform size
887 and dimension, whenever possible.

888 D. Subdivision of more than four lots shall provide public access to the shoreline in
889 conformance with the standards in section X of this ordinance.

890 E. Subdivisions should be designed to locate structures outside the shoreline jurisdiction
891 whenever feasible. When lots are located within the shoreline, the size and shape of the lots should
892 allow for the construction of residential units that do not require shoreline stabilization.

893 NEW SECTION. SECTION 43. There is hereby added a new section in the new chapter
894 established in section X of this ordinance to read as follows:

895 **Archaeological, historic and cultural sites.** Development within shoreline
896 environments shall protect archaeological, historic and cultural sites as follows:

897 A. Known Historic, Cultural or Archaeological Sites:

898 1. Development proposals on properties within five hundred feet of a site known to
899 contain historic, cultural or archaeological resources shall include a cultural resource site
900 assessment. The site assessment shall be conducted by a professional archaeologist or historic
901 preservation professional, as applicable, to determine the presence of historic or significant
902 archaeological resources.

903 2. If the cultural resource site assessment identifies the presence of historic or significant
904 archaeological resources, a cultural resource management plan shall be prepared by a professional
905 archaeologist or historic preservation professional, as applicable. The professional archaeologist or
906 historic preservation professional shall solicit comments from the Washington State Department of
907 Archaeology and Historic Preservation and any affected tribes. Comments received shall be
908 incorporated into the conclusions and recommended conditions of the cultural resource
909 management plan to the maximum extent practical. The cultural resource management plan shall
910 contain the following elements:

- 911 a. the purpose of the project;
- 912 b. a site plan for proposed on-site development;
- 913 c. depth and location of all ground disturbing activities including, but not limited to,
914 utilities, driveways, clearing and grading;
- 915 d. an examination of project on-site design alternatives;

e. an explanation of why the proposed activity requires a location on, or access across or through, an historic or significant archaeological resource;

f. a description of the historic or archaeological resources affected by the proposal;

g. an assessment of the historic or archaeological resource and an analysis of the potential adverse impacts as a result of the activity;

h. an analysis of how these impacts have been avoided; or where avoidance is not possible, how these impacts have been mitigated or minimized; and

i. a recommendation of appropriate mitigation measures.

3. Mitigation measures may include, but are not limited to, the following:

a. recording the site with the State Department of Archaeology and Historic Preservation, or listing the site in the National Register of Historic Places, Washington Heritage Register, as applicable, or any locally developed historic registry formally adopted by the King County Council;

b. preservation in place;

c. reinterment in the case of grave sites;

d. covering an archaeological site with a nonstructural surface to discourage pilferage;

e. excavation and recovery of archaeological resources;

f. inventorying prior to covering of archaeological resources with structures or development; or

g. monitoring of construction excavation.

4. The recommendations and conclusions of the cultural resource management plan shall be used to assist the director in making final administrative decisions concerning the presence and extent of historic or archaeological resources and appropriate mitigating measures.

The director shall consult with the Washington State Department of Archaeology and Historic Preservation, and affected tribes prior to approval of the cultural resource management plan.

5. The director may reject or request revision of the conclusions reached in a cultural resources management plan when the director can demonstrate that the assessment is inaccurate or does not fully address the historic or archaeological resource management concerns involved.

6. Within fifteen days of receipt of a complete development permit application in an area of known historic or archaeological resources, the department shall notify and request a recommendation from appropriate agencies such as the Washington State Department of Archaeology and Historic Preservation and any affected tribes. Recommendations of such agencies and other affected persons shall be duly considered and adhered to whenever possible and reasonable. Notification shall include the following information:

- a. the date of complete application, and the date of the notice of application;
- b. the date, time, place of the public hearing, if applicable;
- c. a site map including the street address, tax parcel number, township, range, and section of the development proposal;
- d. a description of the proposed project action and a list of the project permits included in the application, and, if applicable, a list of any studies requested by the department;
- e. the identification of other permits not included in the application to the extent known by the department;
- f. the identification of existing environmental documents that evaluate the proposed project and, if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed;
- g. any other information determined appropriate by the department;

h. a statement indicating those development regulations that will be used for project mitigation or a determination of consistency if they have been identified at the time of notice;

i. a statement of the limits of the comment period, the right of each agency to comment on the application within a fifteen-day time period, receive notice of and participate in any hearings, request a copy of the decision once made, and to appeal a decision when allowed by law. In addition, the statement shall indicate that any agency wishing to receive personal notice of any hearings must notify the hearing examiner's office within fifteen days of the date of the notice of application.

6. In granting shoreline permits or shoreline exemptions, the department may attach conditions to provide sufficient time or conditions for consultation with the Washington State Department of Archaeology and Historic Preservation and any affected tribes, and to assure that historic or archaeological resources are properly protected, or for appropriate agencies to contact property owners regarding purchase or other long-term arrangements. Provision for the protection and preservation of historic or archaeological sites shall be incorporated to the maximum extent practical.

B. Inadvertent Discovery

1. Whenever historic, cultural or archaeological sites or artifacts of potential significance are discovered in the process of development on shorelines, work on that portion of the development site shall be stopped immediately and the find reported as soon as possible to the Administrator.

2. The director shall then notify the Washington State Department of Archaeology and Historic Preservation, any affected tribes and other appropriate agencies and shall require that an immediate site assessment be conducted by a professional archaeologist or historic preservation

professional, as applicable, pursuant to subsection A.1. of this section to determine the significance of the discovery and the extent of damage to the resource. The site assessment shall be distributed to the Washington State Department of Archaeology and Historic Preservation, and any affected tribes for a fifteen-day review period or, in the case of inadvertent discovery of human remains, a thirty-day review period to determine the significance of the discovery. If the site has been determined not to be significant by the above listed agencies or governments, or if the above listed agencies or governments have failed to respond within the applicable review period following receipt of the site assessment, such stopped work may resume.

3. Upon receipt of a positive determination of a site's significance, the administrator may invoke the provisions of Section A.2 through A.6. above if such action is reasonable and necessary to implement related program objectives.

C. Public Access

1. If a private or publicly owned building or structure of historic significance is identified, public access shall be encouraged as appropriate for purposes of public education; provided that:

a. the type or level of public access is consistent with the long term protection of both historic resource values and shoreline ecological functions; and

b. an access management plan is developed in accordance with site- and resource-specific conditions in consultation with the Washington State Department of Archaeology and Historic Preservation, any affected tribes or other agencies, as appropriate, to address the following:

(1) hours of operation;

(2) interpretive or directional signage;

- 1008 (3) lighting;
- 1009 (4) pedestrian access; or
- 1010 (5) traffic and parking.

1011 2. For archaeological and cultural resource sites, the Washington State Department of

1012 Archaeology and Historic Preservation, any affected tribes or other agencies, as appropriate,

1013 shall be in agreement prior to providing public access to a site. An access and resource

1014 management plan shall be developed in consultation with the Washington State Department of

1015 Archaeology and Historic Preservation, the affected tribe.

1016 NEW SECTION. SECTION 44. There is hereby added a new section in the new chapter

1017 established in section X of this ordinance to read as follows:

1018 **Parking standards.** Parking facilities except parking facilities associated with single

1019 detached dwelling units and agricultural development shall meet the following standards:

1020 1. Parking areas serving a water related, water enjoyment or a nonwater-oriented use

1021 must be located beneath or upland of the development which the parking area serves, except for

1022 utility facilities;

1023 2. The design of parking facilities must use low-impact designs, such as porous

1024 concrete and vegetated swales; and

1025 3. Parking must be set back one hundred feet from the ordinary high water mark in the

1026 conservancy environment; and

1027 4. Parking must be set back two hundred feet from the ordinary high water mark in the

1028 natural environment.

1029 SECTION 45. K.C.C. 25.16.160, as amended by this ordinance, is hereby recodified as a

1030 new section in the new chapter established in section X of this ordinance.

1031 SECTION 46. Ordinance 3688, Section 411, and K.C.C. 25.16.160, are each hereby
1032 amended to read as follows:

1033 **Utilities.** Utility facilities may be permitted (~~((in the urban environment))~~) subject to the
1034 general requirements (~~((section (Section 25.16.030)))~~) of this (~~((chapter))~~) title, provided:

1035 A. Utility and transmission facilities shall, to the maximum extent practical:

- 1036 1. Avoid disturbance of unique and fragile areas;
1037 2. Avoid disturbance of wildlife spawning, nesting and rearing areas; and
1038 3. Overhead utility facilities shall not be permitted in public parks, monuments, scenic
1039 recreation or historic areas.

1040 B. Utility distribution and transmission facilities shall be designed so as to:

- 1041 1. Minimize visual impact;
1042 2. Harmonize with or enhance the surroundings;
1043 3. Not create a need for shoreline protection;
1044 4. Utilize to the (~~((greatest extent possible))~~) maximum extent practical natural screening;
1045 5. Be located outside the shoreline environments where feasible; and
1046 6. Be located within existing rights of way and utility corridors where feasible.

1047 C. The construction and maintenance of utility facilities shall be done in such a way so as
1048 to:

- 1049 1. Maximize the preservation of natural beauty and the conservation of resources;
1050 2. Minimize scarring of the landscape;
1051 3. Minimize siltation and erosion;
1052 4. Protect trees, shrubs, grasses, natural features and topsoil from drainage; and
1053 5. Avoid disruption of critical aquatic and wildlife stages.

1054 D. Rehabilitation of areas disturbed by the construction ~~((and/))~~ or maintenance of utility
1055 facilities shall:

1056 1. Be accomplished as rapidly as possible to minimize soil erosion and to maintain plant
1057 and wildlife habitats;

1058 2. Utilize plantings compatible with the native vegetation.

1059 E. Solid waste transfer stations shall not be permitted within the shorelines of the state.

1060 F. Utilities that are classified as regional land uses under K.C.C. 21A.08.100 shall require
1061 a shoreline conditional use permit.

1062 SECTION 47. K.C.C. 25.16.080, as amended by this ordinance, is hereby recodified as a
1063 new section in the new chapter established in section X of this ordinance.

1064 SECTION 48. Ordinance 3688, Section 408, and K.C.C. 25.16.080, are each hereby
1065 amended to read as follows:

1066 **Signs.** Signs may be permitted ~~((in the urban environment))~~ subject to the provisions ~~((of~~
1067 ~~the underlying zoning))~~ in K.C.C. chapter 21A.20, provided:

1068 A. ~~((No sign which is not constructed parallel to and flush against the side of a building~~
1069 ~~shall be permitted which is more than seventy two inches in height as measured from the average~~
1070 ~~grade level.~~

1071 B. ~~Signs painted upon or constructed parallel to and flush against the side of a building~~
1072 ~~shall not extend beyond the wall or above the roof line against which they are constructed.~~

1073 C. ~~Signs shall be stationary, nonblinking and nonrevolving.~~

1074 D. ~~Signs shall have no auxiliary projections or attachments.~~

1075 E. ~~Signs shall not be erected nor maintained upon trees, or drawn or painted upon rocks or~~
1076 ~~other natural features.~~

1077 F. ~~Artificial lighting of signs shall be directed away from adjacent properties and the~~
1078 ~~water.))~~

1079 ((G.)) Signs waterward of the ordinary high water mark shall be permitted only to the
1080 extent necessary for the operation of a permitted overwater development ~~((provided n))~~. No such
1081 sign shall be larger than five square feet.

1082 B. In the rural environment, signs may not exceed fifty square feet.

1083 C. In the conservancy environment, signs are not allowed except for:

1084 1. Signs of not more than twenty-five square feet within public parks or trails; and

1085 2. Signs permitted under K.C.C. chapter 21A.20 for single detached dwelling units and
1086 agricultural uses.

1087 D. In the resource and natural environments, signs are not allowed except for:

1088 1. Signs of not more than twenty-five square feet within public parks or trails; and

1089 2. Signs permitted under K.C.C. chapter 21A.20 for single detached dwelling units.

1090 SECTION 49. Ordinance 11622, Section 1, and K.C.C. 7.02.010 are each hereby
1091 amended to read as follows:

1092 **Relationship to growth management act.** Ordinance 11622 and K.C.C. Titles 7 (Parks
1093 and Recreation)((,)) and 23 (Enforcement)~~((, and 25 (Shorelines)))~~ are adopted as development
1094 regulations pursuant to RCW 36.70A (Growth Management Act).

1095 SECTION 50. Ordinance 11622, Section 1, and K.C.C. 23.02.020 are each hereby
1096 amended to read as follows:

1097 **Relationship to growth management ~~((plan))~~act.** Ordinance 11622 and K.C.C. Titles 7
1098 (Parks and Recreation)((,)) and 23 (Enforcement)~~((, and 25 (Shorelines)))~~ are adopted as
1099 development regulations pursuant to chapter 36.70A RCW (Growth Management Act).

1100 SECTION 51. K.C.C. 25.32.010, as amended by this ordinance, is recodified as a new
1101 section in the new chapter established in section X of this ordinance.

1102 SECTION 52. Ordinance 3688, Section 801, and K.C.C. 25.32.010 are each hereby
1103 amended to read as follows:

1104 **Substantial development - permit required - statement of exemption.**

1105 A. No development shall be undertaken by any person on the shorelines of the state
1106 unless such development is consistent with the policy of ~~((Section 2 of the Shoreline~~
1107 ~~Management Act of 1971, and, after adoption and approval, the guidelines and regulations of the~~
1108 ~~Washington State Department of Ecology))~~ RCW 90.58.020, chapter 173-26 WAC and the King
1109 County shoreline master program.

1110 B. ~~((No))~~ A substantial development permit shall be ~~((undertaken by any person on the~~
1111 ~~shorelines of the state without first obtaining a substantial development permit from the director;~~
1112 ~~provided, that such a permit shall not be required for the development excepted))~~ required for all
1113 proposed uses and developments of shorelines unless the proposal is specifically exempt from
1114 the definition of substantial development in RCW 90.58.030 ~~((and for developments))~~ and WAC
1115 173-27-040 or is exempted by RCW 90.58.140(9) and (10).

1116 C. ~~((Any person claiming exception from the permit requirements of this chapter as a~~
1117 ~~result of the exemptions described in subsection B. of this section may make an application to~~
1118 ~~the director for such an exemption in the manner prescribed by the director. Development within~~
1119 ~~the shorelines of the state which does not require a permit shall conform to the master program.~~
1120 ~~Conditions requiring such conformance may be imposed prior to granting exemption from the~~
1121 ~~permit requirement.))~~ A written statement of exemption shall be required for activities that are

1122 exempt from the substantial development permit requirement in subsection B of this section

1123 when:

1124 1. WAC 173-27-050 applies; or

1125 2. The activity will occur at or below the ordinary high water mark.

1126 D. Whether or not a written statement of exemption is required, all permits issued for

1127 development activities within the shoreline jurisdictional area shall include a record of review

1128 indicating compliance with the shoreline master program and regulations.

1129 E. Conditions of approval may be attached to the approval of substantial development

1130 permits, statement of exemptions or exempted developments as necessary to assure consistency

1131 of the project with the shoreline master program and regulations.

1132 (Ord. 3688 § 801, 1978).

1133 SECTION 53. K.C.C. 25.32.020, as amended by this ordinance, is recodified as a new

1134 section in the new chapter established in section X of this ordinance.

1135 SECTION 54. Ordinance 3688, Section 802, and K.C.C. 25.32.020 are each hereby

1136 amended to read as follows:

1137 **Permits - prerequisite to other permits.** In the case of development subject to the

1138 permit requirements of this ~~((title))~~ chapter, King County shall not issue any other permit for

1139 such development until such time as approval has been granted pursuant to this ~~((title))~~ chapter.

1140 Any development subsequently authorized by King County shall be subject to the same terms

1141 and conditions which apply to the development authorized pursuant to this ~~((title))~~ chapter.

1142 (Ord. 3688 § 802, 1978).

1143 SECTION 55. K.C.C. 25.32.040, as amended by this ordinance, is recodified as a new

1144 section in K.C.C. chapter 21A.44.

1145 SECTION 56. Ordinance 3688, Section 804, as amended, and K.C.C. 25.32.040 are each
1146 hereby amended to read as follows:

1147 ~~((Permits--))~~ Shoreline variance.

1148 A. ~~((The director is authorized to grant a variance from the performance standards of this~~
1149 ~~master program only under the conditions enumerated WAC 173-14-150 (Review Criteria for~~
1150 ~~Variances--))~~ A shoreline variance shall be granted by the county from the bulk, dimensional or
1151 performance standards set forth in section X of this ordinance only if the applicant demonstrates
1152 that:

1153 1. The review criteria of WAC 173-27-170 has been met;

1154 2. The shoreline variance does not permit a use that is specifically prohibited in the
1155 environmental designation; and

1156 3. Views from nearby roads and public areas are protected.

1157 B. A variance from county zoning code requirements shall not be construed to mean a
1158 variance from shoreline master program use regulations and vice versa.

1159 C. ~~((Shoreline variances may not be used to permit a use that is specifically prohibited in~~
1160 ~~an environment designation.~~

1161 ~~D.))~~ The burden of proving that a proposed variance meets these conditions shall be on
1162 the applicant; absence of such proof shall be grounds for denial of the application.

1163 ~~((E. The fee which shall accompany an application for a shoreline variance shall be as~~
1164 ~~adopted by ordinance.))~~ (Ord. 5734 § 15, 1981: Ord. 3688 § 804, 1974).

1165 SECTION 57. K.C.C. 25.32.050, as amended by this ordinance, is recodified as a new
1166 section in K.C.C. chapter 21A.44.

1167 SECTION 58. Ordinance 3688, Section 805, and K.C.C. 25.32.050 are each hereby
1168 amended to read as follows:

1169 ~~((Permits--))~~ Shoreline conditional use.

1170 A. ~~((The director is authorized to issue))~~ A shoreline conditional use ~~((permits))~~ shall be
1171 granted by the department for conditional uses identified in section X of this ordinance as
1172 shoreline conditional uses only ~~((under the following circumstances))~~ if the applicant
1173 demonstrates that:

1174 1. ~~((The development must be compatible with uses which are permitted within the~~
1175 ~~master program environment in which the development is proposed.))~~ The review criteria of
1176 WAC 173-27-160 has been met; and

1177 2. ~~((The use will cause no unreasonable adverse effects on the shoreline or surrounding~~
1178 ~~properties and uses.~~

1179 3.)) The use will promote or not interfere with public use of surface waters.

1180 ~~((4. The development of the site will not be contrary to the policies of the master~~
1181 ~~program.))~~

1182 B. A shoreline conditional use may be granted by the department for uses not identified
1183 as conditional uses in section X of this ordinance only if the applicant demonstrates that:

1184 1. The criteria in subsection A of this section has been met;

1185 2. The use is not specifically prohibited in the shoreline classification;

1186 3. The use clearly requires specific site location on the shoreline not provided for under
1187 the master program; and

1188 4. Extraordinary circumstances preclude reasonable use of the property in a manner
1189 consistent with the use regulations of the new chapter created in section X of this ordinance.

1190 C. The burden of proving that a proposed shoreline conditional use meets the criteria
1191 enumerated in ~~((subsection A. of))~~ this section shall be on the applicant. Absence of such proof
1192 shall be grounds for denial of the application~~((; provided, however, that the director is authorized~~
1193 ~~to determine and impose, on a case by case basis, those conditions and standards which may be~~
1194 ~~required to enable any proposed shoreline conditional use to satisfy the criteria established in~~
1195 ~~subsection A. of this section))~~. (Ord. 3688 § 805, 1978).

1196 SECTION 59. K.C.C. 25.32.060 , as amended by this ordinance, is recodified as a new
1197 section in the new chapter established in section X of this ordinance.

1198 SECTION 60. Ordinance 3688 Section 806, and K.C.C. 25.32.060 are each hereby
1199 amended to read as follows:

1200 **Alteration or reconstruction of nonconforming use or development.**

1201 ~~((A. Applications for substantial development or building permits to modify a~~
1202 ~~nonconforming use or development may be approved only if:~~

- 1203 ~~1. The modifications will make the use or development less nonconforming; or~~
1204 ~~2. The modifications will not make the use or development more nonconforming.))~~

1205 ~~B. A use or development, not conforming to existing regulations, which is destroyed,~~
1206 ~~deteriorated, or damaged more than fifty percent of its fair market value at present or at the time~~
1207 ~~of its destruction by fire, explosion, or other casualty or act of God, may be reconstructed only~~
1208 ~~insofar as it is consistent with existing regulations.))~~

1209 C.)) The review of applications for the ~~((modification))~~ expansion or replacement of a
1210 nonconforming use or development shall be ~~((subject to the guidelines enumerated))~~ in
1211 accordance with K.C.C. 21A.32 (General Provisions-Nonconformance, Temporary Uses, and

1212 Re-Use of Facilities). (Ord. 12196 § 59, 1996: Ord. 11792 § 36, 1995: Ord. 5734 § 16, 1981:
1213 Ord. 3688 § 806, 1978).

1214 SECTION 61. Ordinance 13130, Section 3, and K.C.C. 21A.32.045 are each hereby
1215 amended to read as follows:

1216 **Nonconformance - Re-establishment of discontinued nonconforming use, or**
1217 **damaged or destroyed nonconforming structure or site improvement.** A nonconforming use
1218 which has been discontinued or a nonconforming structure or site improvement which has been
1219 damaged or destroyed, may be re-established or reconstructed if:

1220 A. The nonconforming use, structure, or site improvement which previously existed is
1221 not expanded;

1222 B. A new nonconformance is not created; ~~((and))~~

1223 C. The use has not been discontinued for more than twelve months prior to its re-
1224 establishment, or the nonconforming structure or site improvement is reconstructed pursuant to a
1225 complete permit application submitted to the department within twelve months of the occurrence
1226 of damage or destruction, and

1227 D. A nonconforming use, structure or site improvement located within the shoreline
1228 jurisdiction that is damaged or destroyed more than fifty percent of its fair market value at
1229 present or at the time of its destruction may be reconstructed only insofar as it is consistent with
1230 existing regulations. (Ord. 13130 § 3, 1998).

1231 SECTION 62. K.C.C. 25.32.100, as amended by this ordinance, is recodified as a new
1232 section in the new chapter established in section X of this ordinance.

1233 SECTION 63. Ordinance 3688, Section 810, and K.C.C. 25.32.100 are each hereby
1234 amended to read as follows:

1235 **Appeals.**

1236 A. Appeals from the final decision of the county with regard to shoreline management
1237 shall be governed solely by the provisions of RCW 90.58.180.

1238 B. The effective date of King County's decision shall be the date of filing with the
1239 Department of Ecology as defined in RCW 90.58.140.

1240 C. When a hearing and decision has occurred (~~((pursuant to Section 25.32.080))~~) and the
1241 examiner's recommendation with regard to disposition of a proposed development pursuant to
1242 Titles 20 and 21A of this code requires King County council action, the final decision of the
1243 county pursuant to this title shall be effective on the date of filing as defined in RCW 90.58.140
1244 for the purposes of appeal as provided in RCW 90.50.140. However, no development may occur
1245 until the King County council has taken final action on the examiner's recommendation required
1246 by Titles 20 and/or 21A of this code. (Ord. 12196 § 62, 1996: Ord. 3688 § 810, 1978).

1247 SECTION 64. A. Ordinance 3688, Section 102, and K.C.C. 25.04.020 are each hereby
1248 repealed.

1249 B. Ordinance 11611, Section 1, and K.C.C. 25.04.025 are each hereby repealed.

1250 C. Ordinance 3688, Section 106, and K.C.C. 25.04.060 are each hereby repealed:

1251 D. Ordinance 12196, Section 58, as amended, and K.C.C. 25.08.015 are each hereby
1252 repealed;

1253 E. Ordinance 3699, Section 203, and K.C.C. 25.08.040 are each hereby repealed;

1254 F. Ordinance 3688, Section 207, and K.C.C. 25.08.080 are each hereby repealed;

1255 G. Ordinance 3688, Section 210, and K.C.C. 25.08.110 are each hereby repealed.

1256 H. Ordinance 3688, Section 211, and K.C.C. 25.08.120 are each hereby repealed;

1257 I. Ordinance 3688, Section 212, and K.C.C. 25.08.130 are each hereby repealed;

- 1258 J. Ordinance 3688, Section 213, and K.C.C. 25.08.140 are each hereby repealed;
- 1259 K. Ordinance 13687, Section 1, as amended, and K.C.C. 25.08.150 are each hereby
- 1260 repealed;
- 1261 L. Ordinance 3688, Section 216, and K.C.C. 25.08.170 are each hereby repealed;
- 1262 M. Ordinance 3688, Section 223, and K.C.C. 25.08.240 are each hereby repealed;
- 1263 N. Ordinance 3688, Section 225, and K.C.C. 25.08.260 are each hereby repealed;
- 1264 O. Ordinance 3688, Section 227, and K.C.C. 25.08.280 are each hereby repealed;
- 1265 P. Ordinance 5734, Section 1, and K.C.C. 25.08.285 are each hereby repealed;
- 1266 Q. Ordinance 3688, Section 229, and K.C.C. 25.08.310 are each hereby repealed;
- 1267 R. Ordinance 3688, Section 230, and K.C.C. 25.08.320 are each hereby repealed;
- 1268 S. Ordinance 3688, Section 231, and K.C.C. 25.08.330 are each hereby repealed;
- 1269 T. Ordinance 3688, Section 232, and K.C.C. 25.08.340 are each hereby repealed;
- 1270 U. Ordinance 3688, Section 233, and K.C.C. 25.08.350 are each hereby repealed;
- 1271 V. Ordinance 3688, Section 235, and K.C.C. 25.08.360 are each hereby repealed;
- 1272 W. Ordinance 3688, Section 238, and K.C.C. 25.08.390 are each hereby repealed;
- 1273 X. Ordinance 3688, Section 239, and K.C.C. 25.08.410 are each hereby repealed;
- 1274 Y. Ordinance 3688, Section 240, and K.C.C. 25.08.420 are each hereby repealed;
- 1275 Z. Ordinance 3688, Section 243, and K.C.C. 25.08.450 are each hereby repealed;
- 1276 AA. Ordinance 3688, Section 252, and K.C.C. 25.08.500 are each hereby repealed;
- 1277 BB. Ordinance 3688, Section 245, and K.C.C. 25.08.540 are each hereby repealed;
- 1278 CC. Ordinance 3688, Section 253, and K.C.C. 25.08.550 are each hereby repealed;
- 1279 DD. Ordinance 3688, Section 254, and K.C.C. 25.08.560 are each hereby repealed;
- 1280 EE. Ordinance 5734, Section 1, and K.C.C. 25.08.565 are each hereby repealed;

1281 FF. Ordinance 3688, Section 256, and K.C.C. 25.08.580 are each hereby repealed;
1282 GG. Ordinance 12750, Section 1, and K.C.C. 25.08.604 are each hereby repealed;
1283 HH. Ordinance 3688, Section 259, and K.C.C. 25.08.610 are each hereby repealed;
1284 II. Ordinance 3688, Section 304, and K.C.C. 25.12.040 are each hereby repealed:
1285 JJ. Ordinance 3688, Section 409(5), as amended, and K.C.C. 25.16.130 are each hereby
1286 repealed.
1287 KK. Ordinance 3688, Section 409(6), as amended, and K.C.C. 25.16.140 are each hereby
1288 repealed.
1289 LL. Ordinance 3688, Section 404, and K.C.C. 25.16.040 are each hereby repealed.
1290 MM. Ordinance 3688, Section 808, and K.C.C. 25.32.080 are each hereby repealed.
1291 NN. Ordinance 3688, Section 809, and K.C.C. 25.32.090 are each hereby repealed.
1292 OO. Ordinance 3688, Section 811, as amended, and K.C.C. 25.32.110 are each hereby
1293 repealed.
1294 PP. Ordinance 3688, Section 812, as amended, and K.C.C. 25.32.120 are each hereby
1295 repealed.